

REMARKS

Initial Matters

Please note that the RCE was filed together with a Request and payment for a Suspension of Action under 37 C.F.R. § 1.103(c) for a time period of three (3) months.

Amendment to the Claims

Claim 19 was added. Claim 19 depends from Claim 6 and recites that the step (a) comprises adding a mixture containing polyisocyanate having tri- or higher isocyanate groups and polyol having tri- or higher hydroxy groups (that is, Claim 19 limits Claim 6 to the compound of groups (3) of Claim 6). Support is found, for example, in the first full paragraph on page 28 of the originally filed specification.

No new matter has been added, and entry of the Amendment is respectfully requested. Upon entry of the Amendment, Claims 1-3, 5-7, 10, 11, 13 and 16-18 will be pending, of which claims 16-18 are withdrawn from consideration.

Response to the Prior Rejections of Record

Claims 1-3, 5-7, 10, 11 and 13 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over WO 91/10362 ("Tocher") in view of WO 93/04017 ("Burger") and U.S. Patent No. 4,772,490 ("Kogler").

Applicants traverse and respectfully request the Examiner to reconsider in view of the amendment to the claims and the following remarks.

As an initial matter, Applicants submit that the present claims are patentable over the cited references for *at least* the reasons of record as set forth in, for example, the Appeal Brief filed October 16, 2006. Furthermore, for the following reasons, Applicants particularly urge the patentability of Claim 19.

Claim 19 recites that step (a) comprises adding a mixture containing polyisocyanate having tri- or higher isocyanate groups *and* polyol having tri- or higher hydroxyl groups.

Claim 19 is patentable over Tocher, Burger and Kogler, alone or in combination, *at least* because the cited references do not disclose or fairly suggest that the method of forming the polyurethane resin for coating the granular pesticidal composition comprises adding a mixture containing polyisocyanate having tri- or higher isocyanate groups *and* polyol having tri- or higher hydroxyl groups.

Rather, Tocher only discloses that the term “polyisocyanate” refers to a compound with two or more isocyanato substituents (-NCO) (page 4) and that the term “polyhydroxyl compound” includes compounds containing at least two free hydroxyl (-OH) substituents (page 7). While this disclosure encompasses the recitation “tri- or higher,” polyhydroxyl compounds having tri- or higher hydroxyl substituents were not employed in Tocher’s working examples. Instead, Tocher only employs propylene glycol. Thus, the cited references cannot be said to teach one of ordinary skill in the art polyhydroxyl compounds having tri-hydroxyl substituents.

Moreover, the cited references do not suggest to one of ordinary skill in the art that coating granular pesticidal compositions with a polyurethane resin according to Claim 19 would decrease the release rate. See page 28 of the present specification. Accordingly, there would be no reason for one of ordinary skill in the art to choose a mixture containing polyisocyanate having tri- or higher isocyanate groups *and* polyol having tri- or higher hydroxyl groups.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the Section 103 rejection of the present claims.

Conclusion

Reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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